

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

3 UNITED STATES OF AMERICA, Case No. 1:19cr260  
4 Plaintiff, Akron, Ohio  
November 13, 2019

5 vs.

6 ERIC D. BURROWS,

7 Defendant.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE

11 SENTENCING

12

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# 1 | PROCEEDINGS

2 — — —

6 We're here today for sentencing.

9 MR. DECKERT: Yes, Your Honor. Good morning.

10 Brian Deckert on behalf of the United States. Seated with  
11 me at counsel's table is Michael Deterling of the Department  
12 of Homeland Security Investigations.

13 THE COURT: Thank you. Counsel for the defendant?

14 MR. CHRISTMAN: Good morning. May it please the  
15 court.

16 Leif Christman on behalf of Eric Burrows. We are  
17 prepared to go forward this morning. Thank you.

18 THE COURT: Thank you. Mr. Burrows, did you go  
19 over the presentence report that was prepared to assist me  
20 in deciding your sentence?

21 THE DEFENDANT: Yes, I did. Your Honor

22 THE COURT: Counsel, have you reviewed the report  
23 with your client?

24 MR. CHRISTMAN: Yes, I have, Your Honor, multiple  
25 times

1                   THE COURT: The report indicates there's no  
2 unresolved objections by the government, none by the  
3 defendant.

4                   Counsel for the government, any additional  
5 objections you would like to raise at this time?

6                   MR. DECKERT: No, Your Honor.

7                   THE COURT: Counsel for the defendant?

8                   MR. CHRISTMAN: No, Your Honor.

9                   THE COURT: The court, of course, is required to  
10 properly calculate the advisory guidelines in this matter.  
11 There's a guideline calculation set forth in the report.  
12 The calculation begins at page 7. At the bottom, there's a  
13 base offense level at paragraph 21 for this offense of 22.

14                   There's specific offense characteristics or  
15 enhancements or reductions, as the case may be, in paragraph  
16 22.

17                   There's a downward adjustment of two levels here  
18 because it appears that the defendant, at least there's no  
19 indication, trafficked or distributed images of child  
20 pornography or videos.

21                   There's a two-level enhancement because the  
22 material involved a prepubescent minor who has not attained  
23 the age of 12.

24                   Paragraph 23, a four-level enhancement for  
25 sadistic or masochistic conduct. And the details are set

1 forth there. I won't spread them out on the record.

2 Paragraph 25, a two-level enhancement for the use  
3 of a computer, and a five-level enhancement because the  
4 offense level involved more than 600 images. Here the  
5 defendant possessed over 9,500 images and 52 videos, a  
6 five-level enhancement is called for and, therefore, we have  
7 a total offense level of 33.

8 It appears there was a -- somewhat untimely, but  
9 there was filed at some point an acceptance of  
10 responsibility statement.

11 Does the government seek acceptance at this time?

12 MR. DECKERT: Your Honor, we would make that  
13 motion.

14 THE COURT: We will note that. There will be a  
15 downward adjustment of three levels for acceptance.

16 The total offense level, therefore, becomes a 30.

17 The defendant has a criminal history, which is  
18 spelled out at paragraphs 36 through 38. It appears they  
19 are two driving under the influence cases and a domestic  
20 violence. He has one point. So his criminal history  
21 category is, therefore, a I.

22 Under the advisory guideline, 135 to 168 months is  
23 the advisory guideline range.

24 Counsel for the government, do you have any  
25 objection to the court's custody guideline calculation?

1 MR. DECKERT: No objection, Your Honor.

2 THE COURT: Counsel for the defendant?

3 MR. CHRISTMAN: No objection, Your Honor.

4 THE COURT: I would also note that the additional  
5 guidelines that apply; supervised release of five years to  
6 life; ineligible, of course, for probation. There is a fine  
7 that is not recommended here. Special assessment of \$300,  
8 and the JVTA assessment of \$15,000 is also recommended here  
9 at this time.

10 Any other additional objection to the court's  
11 advisory guideline calculation, counsel for the government?

12 MR. DECKERT: No objection, Your Honor.

13 THE COURT: Counsel for the defendant?

14 MR. CHRISTMAN: No, Your Honor.

15 THE COURT: Having said that, the court would note  
16 I've read Mr. Christman's sentencing memoranda. I am  
17 familiar with all the arguments set forth therein. I also  
18 have a sentencing memoranda submitted by the government, as  
19 well, that I've reviewed and considered.

20 Having said that, counsel for the defendant, what,  
21 if any, argument do you wish to make?

22 MR. CHRISTMAN: Thank you very much, Your Honor.  
23 May it please the court.

24 I know the court has read the sentencing  
25 memorandum I filed on Mr. Burrows' behalf. It is extensive.

1       It does outline all of the arguments that I would make on  
2       his behalf.

3                   I would say, in addition, Your Honor, that  
4       Mr. Burrows certainly has been open, honest and forthright  
5       with counsel. He has accepted full responsibility for his  
6       actions. He certainly showed genuine remorse in the seven  
7       months I had an opportunity to represent him in the case.

8                   I would note that he has been on pretrial release  
9       for seven months. He's abided by all terms and conditions  
10       of pretrial services placed upon him. He has participated  
11       in counseling at Psych and Psych in Elyria. I believe that  
12       he has gained some insight as to the mindset that allowed  
13       him to fall into the activities that bring him before the  
14       court.

15                  Mr. Burrows is a father of three children. He's a  
16       hard working individual. He's worked his entire life. He  
17       has an auto body shop in Elyria. His youngest son has  
18       followed him into that business, and he's known in the  
19       community as a person that will lend a hand to anybody that  
20       needs help.

21                  I've heard stories from not only my client, but  
22       his son and some others that, you know, he's not a bottom  
23       line guy when it comes to making money. If somebody needs  
24       money, he's there to help them. His brother certainly had  
25       those same sentiments. This isn't a person that sets out to

1       hurt people, to harm people. His nature is to help people,  
2       which is obviously a conflict in his viewing the pornography  
3       that he did view.

4               He does understand that that does harm people,  
5       that viewing that -- the images facilitate the need for that  
6       industry to produce more and that he is part of the problem  
7       by participating in the viewing.

8               I do think that it's important to know that he  
9       didn't distribute, which is accounted for in the guidelines  
10      by a two-level reduction. In many of the enhancements that  
11      do come into this type of case, as the court is aware,  
12      pretty much fall in the heartland of the typical case, you  
13      know, an enhancement for use of the computer. The  
14      guidelines were promulgated prior to the proliferation of  
15      the Internet and the very vast majority, 90-some percent of  
16      this type of case is somebody who has viewed this material  
17      on the Internet.

18               So we would ask the court to consider downward  
19      departures for the arguments outlined in the sentencing  
20      memorandum with respect to enhancements that really  
21      encompass this type of behavior in a typical type of  
22      offender.

23               I would suggest to the court that this is the type  
24      of person, with a shorter prison sentence and possibly  
25      extensive supervised release, would not be a danger to

1       reoffend, would not be a danger to the community, would be  
2       able to go back and try to pick up the pieces of the life  
3       that he's going to leave behind for a substantial period of  
4       time, even with a lower sentenced individual who has not  
5       been separated from his family before, who has not  
6       previously been incarcerated.

7               There's -- I would suggest to the court a chance,  
8       with extended incarceration, to not come out as a better  
9       person with the type of people that you're going to be with.  
10       Now, he knows he deserves a punishment for what he did. He  
11       does accept responsibility for that, but we would ask the  
12       court to consider all those things in mitigation, and he is  
13       prepared to accept the judgment of the court.

14               Thank you.

15               THE COURT: Thank you, Counsel.

16               Mr. Burrows, what, if any, statements do you wish  
17       to make on your own behalf?

18               THE DEFENDANT: Thank you, Your Honor.

19               THE COURT: You can remain seated if you would  
20       like. You are free to stand up. Either way. Whatever is  
21       more comfortable.

22               THE DEFENDANT: Yes. I agree with what  
23       Mr. Christman has said. I truly am sorry. I can't imagine  
24       how I found myself in this situation. I have no excuses for  
25       what I did. I've always tried to lead a good life, moral

1 life, and I fell short again. I have no excuse to make on  
2 that count.

3 I will never, ever consider going down that road  
4 again. I just want to try to move forward. I've had some  
5 counseling over the last several months. I have got -- shed  
6 a lot of light on the industry that I was proliferating, and  
7 I feel truly horrible about the things that are being done  
8 to children, and I didn't make the connection at the time  
9 that I now realize is going on.

10 THE COURT: What do you mean you didn't make the  
11 connection?

12 THE DEFENDANT: Well, I didn't really think that  
13 since what I was viewing was potentially -- like things that  
14 had been on the Internet. It wasn't really any abuse -- I  
15 should say, I didn't feel like the children were  
16 being abused, but in hindsight, I see how they were being  
17 manipulated.

18 THE COURT: You didn't see how they were being  
19 abused?

20 THE DEFENDANT: Excuse me, Your Honor. By viewing  
21 what I was viewing, I didn't realize I was feeding another  
22 part of that industry that is truly -- and it's all  
23 horrible, but I didn't really make that connection.

24 THE COURT: You sought this out. I mean, this is  
25 not something you came upon by accident. You actually

1 sought it out.

2 THE DEFENDANT: Yeah. I think that, at the time,  
3 I was viewing quite a lot of pornography of all genres and  
4 it was just -- I cast a wide net, and I got caught up in the  
5 girls that were underaged as modeling and, again, being  
6 naive to the world -- the way that thing, I didn't really  
7 realize the darker aspects, but it's all kind of intertwined  
8 in that regard, sir.

9 THE COURT: All right. Thank you.

10 Counsel for the government, do you have any  
11 argument you would like to make?

12 MR. DECKERT: Yes, Your Honor. Thank you.

13 Your Honor, this court must fashion a sentence for  
14 Mr. Burrows in accordance with Title 18 of the United States  
15 Code, Section 3553(a). And, of course, this court must  
16 start with the guidelines. It's a benchmark, which strives  
17 to provide this court guidance. It is not bound by its  
18 findings, but it is illustrative of an appropriate sentence.

19 And the argument that is often put forth and put  
20 forth today that somehow the enhancements and guidelines as  
21 applicable to Mr. Burrows catch all or the majority of  
22 defendants charged with these offenses, and I would say that  
23 actually the guidelines pretty accurately depict what  
24 Mr. Burrows did in this case.

25 He received a two-level reduction for not

1       distributing. It's true that we found no evidence of  
2       hands-on violations. There's a specific offense  
3       characteristic of plus five enhancement if he did.

4                   So the guidelines provide for the worst of the  
5       worst and trying to capture what exactly the offense and the  
6       nature and circumstances of the offense. In this case, the  
7       sheer amount of material that was discovered on a variety of  
8       devices possessed by Mr. Burrows is also truly staggering.

9                   There were 9,595 -- I'm sorry, 5,678 unique  
10      images, 52 videos.

11                  Additionally, Your Honor, as I set forth in my  
12      sentencing memorandum, there's 167,713 additional images of  
13      child exploitive, but not child abuse material, and  
14      essentially what that means is there was child erotica and  
15      child age difficult images. So it was not classic child  
16      abuse material. That was clear that these were children  
17      under the age of 12. And the child erotica, again, is what  
18      Mr. Burrows is describing the, you know, the modeling of  
19      children.

20                  With regards to the four-level enhancement for  
21      sadistic and masochistic infant toddler, again, I take  
22      exception to Mr. Burrows' statement that he didn't know that  
23      there was abuse going on with that kind of material, where  
24      you have 1,536 images involving infant toddlers, 1,254  
25      images involving sadistic or masochistic or violence.

1                   I believe that anyone would know that that  
2 involves abuse. So I would take exception to that  
3 statement.

4                   So I think laying all that out, the nature and the  
5 circumstances, these guidelines actually do take into  
6 account his behavior. It does provide a downward departure  
7 for certain -- the lack of certain conduct. I think  
8 Congress and the guidelines have set this forth. After much  
9 consideration and deliberation, they've received reports  
10 from experts, tried to consider all the ramifications of  
11 these laws.

12                  I think this sentence is appropriate as calculated  
13 by the presentence report. That is why the government is  
14 asking for a sentence within the guidelines of 97 to 121  
15 months.

16                  THE COURT: Thank you. 97 to 121 months?

17                  MR. DECKERT: I believe that's offense level 30,  
18 Criminal History Category I.

19                  THE COURT: All right. You are correct. I was  
20 looking at 33. I was looking at offense level 33 earlier,  
21 135 to 168. With the deduction, it is 97 to 121 months.

22                  All right. Thank you.

23                  MR. CHRISTMAN: Your Honor, before the court  
24 imposes sentence, may I attempt to clarify one thing on  
25 behalf of my client?

1 THE COURT: Sure.

2 MR. CHRISTMAN: I don't believe that what he was  
3 saying is that -- that what he was viewing was not abusive  
4 to children. He clearly knows that. I believe that what he  
5 was saying, and based on the counseling and learning about  
6 child pornography and what creates demand for additional  
7 images by those who produce it is that his viewership feeds  
8 that industry to create new images. And that is what I  
9 believe that he was attempting to articulate to the court.  
10 I know what the government said that he didn't know that it  
11 was abuse. I don't believe that that's what he intended to  
12 convey.

13 I know it was inarticulate, but in the seven  
14 months of representing Mr. Burrows and getting to know him  
15 and discussing this type of activity, he certainly knew and  
16 understands that that is abuse of children. Anybody who saw  
17 it would certainly understand that. So just by way of  
18 clarification, I don't believe that that's what he was  
19 saying.

20 Thank you, Your Honor.

21 THE COURT: All right. Thank you.

22 Would you approach real quick?

23 (Pause.)

24 THE COURT: For the record, the court would note  
25 I've carefully considered the matter. I have reviewed the

1 arguments of counsel, both sides, as set forth in the  
2 sentencing memoranda. I will comment upon it briefly as I  
3 go through and make my findings.

4 In terms of -- we begin with the nature and the  
5 circumstances of the offense. Mr. Burrows made  
6 approximately eight purchases from Website M between  
7 February 3, 2018 and April 16, 2018. Website M is a  
8 feed-based website that sells files and containing images  
9 and/or videos of child pornography. And it was further  
10 revealed that Mr. Burrows received 11 additional E-mails  
11 from Website M from August 15, 2017 to August 27, 2018  
12 confirming orders for child pornography were placed.

13 On April 16, 2019, a search warrant was executed  
14 at Mr. Burrows' business, Profix Collision, in Elyria, Ohio,  
15 along with his residence in Elyria.

16 As a result of the search warrants, Mr. Burrows  
17 was found in possession of 9,595 images and 52 videos of  
18 child pornography. The longest video file depicting child  
19 pornography was approximately 48 minutes in length. The  
20 shortest video was 47 seconds in length. The total length  
21 of the video files depicting child pornography was six hours  
22 and 14 minutes. Two of the videos and 163 images depict  
23 infant/toddler aged children. And 75 of the images depict  
24 children involving in S&M violence.

25 And the examples of the child pornography are set

1 forth in the presentence report at page 6, paragraphs A, B,  
2 C, D and E.

3 In terms of the history and the characteristics of  
4 the defendant, he's 58 years old. He has three prior  
5 convictions. None of them are felony convictions. Two are  
6 alcohol related, and those are somewhat dated, or at least  
7 the first occurred in 1998. The second was in 2013, and the  
8 domestic violence issue was in 2001.

9 Mr. Burrows indicated he had a positive childhood.  
10 He was always provided with necessities. He was raised in a  
11 close-knit family. He was married in 1994 and separated in  
12 October of 2018. As of the writing of the PSI, the divorce  
13 is still pending. There are three adult children. Mr. and  
14 Mrs. Burrows were parents of three adult children I should  
15 say.

16 In terms of health-related issues, the defendant  
17 had a hip replacement in April of 2019. He had a cardiac  
18 ablation some years ago, and he currently is not taking any  
19 medication. He was diagnosed with attention deficit  
20 disorder in 2018. Apparently he's been attending counseling  
21 for sex offender treatment here recently.

22 He graduated from high school.

23 He has had some experimentation with drugs in the  
24 past, and he's had some use of marijuana here somewhat  
25 recently as of April, 2019 according to the report.

1                   In terms of the need for the sentence imposed --  
2 let me turn to sentencing disparities. There are sentencing  
3 disparities which do occur in these cases due to different  
4 judges' views of the serious nature of this conduct around  
5 the country, some who I think are seriously misguided, focus  
6 too much on the defendants and not on the victims at all,  
7 and, candidly, don't, at least in my view, have a full  
8 understanding of the harm that this type of offense causes  
9 to the public, as well as our children, including children  
10 as young as infants as we see in this case.

11                   So I deem it to be a serious matter. I deem the  
12 guidelines to be appropriate, and I think Congress has  
13 spoken. I think the guidelines serve a useful purpose and  
14 deterrence. More about that later.

15                   According to this PSI, for fiscal year 2018, the  
16 sentence involving child pornography with Criminal History  
17 Category I is 89 months, which is not far from the low end  
18 of the guidelines here.

19                   In terms of the need for the sentence imposed, a  
20 guideline sentence is appropriate here. I've reviewed the  
21 sentencing memorandum by the defendant and by the  
22 government. There are many studies. Many of them offer  
23 different views about the risks and the dangers of offenders  
24 of this nature. Clearly, offenders of this nature pose a  
25 risk because they feed the market and the market for child

1 pornography.

2                   Here we have a purchase of child pornography, and  
3 that obviously means that this is a defendant who sought out  
4 this type of activity. There are very many aggravating  
5 factors in this case.

6                   First, some of the videos of child pornography  
7 that Mr. Burrows possessed were lengthy. One video is  
8 approximately 48 minutes in length. Second, 163 of the  
9 images and two of the videos of child pornography depicted  
10 infant, toddler-aged children. Third, 75 of the images of  
11 child pornography depicted children involving in S&M  
12 violence.

13                   Lastly, when Mr. Burrows was interviewed by the  
14 agents on April 16, 2019, initially he denied looking at  
15 child pornography. Some of his other statements before he  
16 requested counsel are also troubling. The defendant  
17 replied, and I refer to paragraph 12, is referenced in the  
18 report. The defendant replied he didn't think it was porn.  
19 "I just didn't look at it as porn." When the agent asked  
20 what he meant by "It," he stated, "Naked images of young  
21 women."

22                   Without being asked, the defendant stated, "Well,  
23 the age of consent in a lot of states is like 15 or 16 years  
24 old. Not that I've ever had sex with a child, but anyways,  
25 just throwing it out there."

1                   The agent asked the defendant how he knew the age  
2 of consent and he replied, "It's in popular culture." And  
3 then the defendant went on to state that the youngest child  
4 he seen in nude images and/or was asked, and he stated, "By  
5 mistake, there have been some young ones, maybe nine or  
6 ten."

7                   He terminated the interview by requesting counsel.  
8 Clearly, that's not the case. Clearly, that's not being  
9 truthful. Clearly, in my opinion, the defendant doesn't  
10 understand, fully understand, that this is serious in nature  
11 and this conduct is the kind of conduct that must be  
12 obviously deterred.

13                   So having said those things, I will impose a  
14 guideline sentence.

15                   Pursuant to the Sentencing Reform Act of 1984, 18,  
16 Code 3553(a), I will impose a sentence of 97 months, it's  
17 the low end of the guidelines, to be served on each count  
18 concurrently.

19                   The defendant will be placed on supervised  
20 release. At this point, I believe a lengthy period is  
21 necessary based on the reasons I've just stated. Some of  
22 his responses are concerning to the court as to whether he  
23 fully understands the harm, the serious harm, as well as the  
24 extent of his collection. The sheer volume indicates  
25 someone who must be supervised and must be certain that they

1       are receiving the appropriate treatment to prevent any  
2       recurrence.

3                   So I will impose a term of 15 years. It is an  
4       upward variance from the guidelines in terms of supervised  
5       release. I think that is necessary and needed, again, for  
6       the reasons I've already stated.

7                   In terms of fine, I will waive the fine, given the  
8       fact that the defendant is going to be required to pay the  
9       Justice for Victims of Trafficking Act assessment of \$5,000  
10      per count. It's \$15,000 in total. He does have the ability  
11      to pay that either now and also into the future.

12                  A special assessment of \$300 will also be imposed.

13                  Mandatory drug testing. I will at least initially  
14      impose it based upon his use of marijuana.

15                  And I will also order the collection of DNA as  
16      directed by the probation officer.

17                  And the defendant will participate in a sex  
18      offense specific assessment. He's required to register  
19      pursuant to the Adam Walsh Act.

20                  Sir, you will be required to register under the  
21      Sex Offender Registration Notification Act, we call it  
22      SORNA. Comply with the act as directed by your probation  
23      officer. You must keep your registration current in each  
24      jurisdiction in which you reside or are employed or as a  
25      student. And you must no later than three days or business

1 days after you change your name, residence, employment or  
2 student status appear in at least one jurisdiction to which  
3 you are registered and inform that jurisdiction of all  
4 changes and reporting information. And failure to report  
5 may be a violation of your conditions of supervised release  
6 and a new federal offense punishable by up to ten years.

7 You will submit to periodic polygraph testing at  
8 the discretion of your probation officer to make certain you  
9 are in compliance with the terms of your treatment plan.

10 You will undergo specific treatment, sex offender  
11 specific treatment, and participate in following all the  
12 rules and -- of that program.

13 You must allow your probation officer to install a  
14 computer monitoring software on any computer that you have  
15 and that you use, and to insure compliance with the computer  
16 monitoring condition, you must allow the probation officer  
17 to conduct initial and periodic, unannounced searches of any  
18 computers that are subject to this computer monitoring.

19 And the searches will be conducted for the purpose  
20 of determining whether you are using the computer for any  
21 improper purposes in violation of the terms of your  
22 supervised release, and to make certain there's no terms or  
23 no attempts to circumvent the monitoring software. And you  
24 need to let anyone else who's using your computer know that  
25 that search may take place.

1                   You cannot associate with minors, verbal, written  
2 telephone or electronic communication with any person under  
3 the age of 18 except in the presence of a parent or legal  
4 guardian or on the condition that you notify the parent and  
5 legal guardian of your conviction. This does not encompass  
6 persons under the age of 18 such as waiters, cashiers,  
7 ticket vendors, et cetera, who you need to deal with to  
8 obtain ordinary and usual services. You cannot frequent or  
9 loiter within 100 feet of school yards, playgrounds, theme  
10 parks, arcades, swimming pools, skating rinks, stores,  
11 places where persons under the age of 18 play, congregate or  
12 gather, without the prior expressed written approval of your  
13 probation officer.

14                   And your residence and employment must be approved  
15 by your probation officer, as well, and that is in advance,  
16 so you must advise the probation officer at least 21 days  
17 prior to any intended changes.

18                   And lastly, you will submit your house, residence,  
19 vehicle, papers, computers as defined under the statute, any  
20 other electronic communications, data storage devices, to a  
21 search conducted by your probation officer at a reasonable  
22 times and in a reasonable manner. If you fail to do that,  
23 that might be grounds for revocation of supervision and a  
24 possible return to custody.

25                   Does the government have any objection to

1 self-surrender at this point?

2 MR. DECKERT: Your Honor, yes. We would ask that  
3 he be taken into custody today.

4 THE COURT: Counsel?

5 MR. CHRISTMAN: Your Honor, my client's been fully  
6 compliant over the last seven months with conditions of his  
7 bond. We would ask that he be able to self-report.

8 THE COURT: I think having imposed sentence, that  
9 it's time to begin custody. I think he should -- knowing  
10 what I know about the case and the facts and circumstances,  
11 he will be remanded to custody.

12 Thank you very much.

13 MR. CHRISTMAN: Your Honor, objection under  
14 Bostic.

15 THE COURT: Thank you very much for calling it to  
16 my attention.

17 Under U.S. versus Bostic, any objections,  
18 corrections, any arguments that not have been previously  
19 raised that I can address?

20 Counsel for the government?

21 MR. DECKERT: Not on behalf of the government,  
22 Your Honor.

23 THE COURT: For the defendant?

24 MR. CHRISTMAN: Your Honor, we object under Bostic  
25 with respect to not granting variance for 3553(a) factors,

1 the arguments outlined in the sentencing memorandum, and the  
2 upward departure on the supervised release.

3 THE COURT: So noted. I have reviewed the  
4 briefing and the arguments raised by both sides. I don't  
5 believe a downward variance is warranted in this case for  
6 the reasons I've just stated. I will restate it.

7 The sheer volume and numbers of images the  
8 defendant possessed, as well as the videos, the nature of  
9 same, including infant children, as well as the comments  
10 that he made here in open court, as well as comments that he  
11 made to the arresting officers indicate to me someone who  
12 may not have a full understanding of the serious nature of  
13 his conduct.

14 That also supports a period of supervised release  
15 above and beyond the statute, statutory, I should say, above  
16 and beyond the guideline range, because that will enable the  
17 court to make certain that he's properly supervised and  
18 receives necessary treatment in the community, as ordered by  
19 the court.

20 And so I believe the additional upward variance as  
21 to the supervised release is warranted. Additionally, I  
22 believe it's warranted as in some respects the court imposed  
23 a low end of the guidelines, in this case, even though there  
24 may be an argument for a higher guideline sentence.

25 So for those reasons, I will note your objection

1 and I will overrule them, or at least supplement my  
2 findings.

3 Mr. Burrows, if you would like an appeal filed  
4 from the court's sentence, that's something you can discuss  
5 with Mr. Christman.

6 Any notice of appeal must be filed no later than  
7 14 days after I reduce your sentence to writing. We will  
8 provide you the necessary papers if you are indeed indigent,  
9 don't have sufficient funds for the appointment of an  
10 attorney, or sufficient funds to retain an attorney, I  
11 should say. Otherwise, we would appoint an attorney upon  
12 proper showing that you are without money to pay an  
13 attorney.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Any notice of appeal has to be filed  
17 no later than 14 days after I put up an order setting forth  
18 your sentence. Mr. Christman will advise you further.

19 Thank you very much. That will be the court's  
20 order.

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## 1 C E R T I F I C A T E

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3 I certify that the foregoing is a correct transcript

4 from the record of proceedings in the above-entitled

5 matter.

6

7 s/Lori A. Callahan  
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